

Atlantic Richfield Company

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VIA EMAIL AND U.S. MAIL

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U.S. EPA, Region 8
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Re: Notice of Intent to Comply with Administrative Order for Remedial
Action for the Anaconda Smelter Superfund Site; Anaconda Regional
Water Waste and Soils Operable Unit, Smelter Hill Uplands Remedial
Design Unit No. 3
EPA Docket No. CERCLA 08-2016-0005

Gentlemen:

Respondent Atlantic Richfield Company ("Atlantic Richfield") provides this letter as notice that it will comply with the lawful requirements of the above-referenced Unilateral Administrative Order ("UAO") for the Smelter Hill Uplands Remedial Design Unit ("Uplands RDU") remedial action within the Anaconda Regional Water Waste and Soils operable unit ("ARWW&S OU") of the Anaconda Smelter Site.

In providing this notice of Atlantic Richfield's intent to comply with the UAO, Atlantic Richfield does not request an opportunity to confer with the EPA to discuss the UAO or the Smelter Hill Uplands Work. EPA has represented to Atlantic Richfield that EPA is satisfied with method and timing of on-going communications on matters concerning the work and schedule for the Warm Springs Creek RDU and other on-going ARWW&S response activities. As discussed with EPA representatives, Atlantic Richfield and EPA will follow the same protocols for consultation and routine meetings regarding the Smelter Hill RDU Work under the UAO. Unless otherwise notified by EPA, Atlantic Richfield understands the parties' present course of conduct for communications, including documentation of work modifications by RFC's and notations in the daily log, satisfies the intent and written requirements of the UAO.

Given Atlantic Richfield's and EPA's shared interest in development of an Anaconda Smelter Site-wide consent decree, this letter also confirms Atlantic Richfield's

Andrew J. Lensink, Esq.
Charles Coleman
July ___, 2016
Page 2

willingness to defer receipt of EPA's response to Atlantic Richfield's Comments, Requests for Clarification and Objections to the UAO. We propose that EPA and Atlantic Richfield direct their efforts in the near-term toward completion of tasks necessary to support a Site-wide consent decree. Accordingly, Atlantic Richfield is willing to defer receipt of EPA's response to this letter to January 2017, with the understanding that EPA and Atlantic Richfield may agree to further defer a written response so long as the parties' continue to make progress toward development of a Site-wide consent decree.

Paragraph 52.a (Notice to Successors-in-Title) requires submittal of a notice that describes Respondent's Affected Property for actions under the UAO. I understand Atlantic Richfield counsel has discussed with EPA counsel our request that EPA defer this requirement for RDU#3 and the same requirement that arises under the Warm Springs Creek RDU#10 UAO in recognition that certain property transfers are in process. As explained in Section I of our comments, Atlantic Richfield proposes to submit a notice for EPA approval by September 30, 2016 that will satisfy both orders.

The text of the Smelter Hill Uplands UAO is substantially the same as the EPA orders issued to Atlantic Richfield for the Warm Springs Creek RDU (EPA Docket No. 08-2015-0010) and the Community Soils Operable Unit (EPA Docket No. 08-2015-011). Atlantic Richfield submitted Notice of Intent to Comply letters for those orders, each dated November 17, 2015. EPA has not responded to Atlantic Richfield's Comments, Requests for Clarification and Objections to those orders, and Atlantic Richfield's comments and objections to the Smelter Hill RDU UAO are substantially the same in content and scope. Thus, Atlantic Richfield proposes that EPA also defer its written response to the two November 17, 2015 letters to January 2017 so long as the parties' continue to make progress toward development of a Site-wide consent decree.

We look forward to receipt of EPA's written concurrence to defer Atlantic Richfield's notice obligation under Paragraph 52.a of the UAO and EPA's responses to this letter and the previously submitted notice letters prepared in review of the orders issued for Warm Springs Creek RDU and Community Soils Operable Unit work.

Atlantic Richfield's comments and requests for clarification concerning the UAO follow below in Section I. Section II contains Atlantic Richfield's objections to the UAO.